

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT WINCHESTER

AUTO OWNERS INSURANCE  
COMPANY,

Plaintiff

v.

HARRELL'S FERTILIZER, INC.,  
*et al.*,

Defendants

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No. 4:05-cv-39

**ORDER**

For the reasons set forth in the Memorandum Opinion this day passed to the Clerk for filing, it is hereby ORDERED that plaintiff's motion for summary judgment [Court File #17] is DENIED; defendants' motion for summary judgment [Court File #25] is GRANTED; and this action is DISMISSED. Whether plaintiff has a duty to indemnify must await resolution of the underlying lawsuit.

**ENTER :**

**s/ James H. Jarvis**

UNITED STATES DISTRICT JUDGE